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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,421	04/20/2004	Scott David Thomas	GP-303981	5373

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LAURA C. HARGITT  
General Motors Corporation, Legal Staff  
Mail Code 482-C28-B21  
P.O. Box 300  
Detroit, MI 48265-3000

EXAMINER
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GOODEN JR, BARRY J

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/828,421

**Applicant(s)**

THOMAS ET AL.

**Examiner**

Barry J. Gooden Jr.

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22,23 and 25-27 is/are allowed.
- 6) ☒ Claim(s) 1-5,7,10,12-14,16-21,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 6,8,9,11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

This office action is in response to the amendment filed August 13, 2007. Currently, claims 1-23 and 25-29 are pending. Claim 24 remains cancelled.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 10, 12, 13, 16-21, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Vendely et al., US Patent 6,029,992.

In regard to claims 1-5, 7, 10, 12, 13, 16-21, 28, and 29, Vendely et al. discloses all of the claimed elements including an airbag module comprising:

an inner plate (70);

a base plate (30) attachable to the inner plate;

a cover (40);

an inflatable cushion (80), the inner plate being receivable within the cushion, the cushion and the inner plate being receivable within the cover, containing the cushion, prior to inflation thereof; and

a portion of the cushion and a portion of the cover abutting one another and being sandwiched directly between the inner plate and the base plate such that the portion of the cover is retained between the base plate and the inner plate (reference is made to Figure 7);

wherein said air bag module is a preassembled unit configured such that the cushion, the cover, the inner plate and the base plate are attached sufficiently to one another prior to installation on the steering wheel assembly so as to be retained to one another when said cushion is inflated independent of any additional attachment to the steering wheel assembly;

further comprising a fastener element (110, 100) adapted to extend through the inner plate, the cushion and the base plate, thereby attaching the inner plate and the base plate;

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further comprising an inflator (90), the inflator having a mounting flange (96) the fastener element being adapted to further extend through the mounting flange, thereby attaching the inflator with the cushion, the inner plate, the base plate and the cover;

wherein the cushion, the inner plate, the base plate and the inflator are each formed with an alignable fastener element opening adapted to receive the fastener element through the opening when the fastener element openings are aligned;

wherein the cushion, the inner plate and the base plate are each formed with an alignable inflator opening adapted to receive a portion of the inflator, wherein the mounting flange of the inflator abuts and is sandwiched between the cushion and the base plate when the inflator is received within the aligned inflator openings and is attached with the cushion, the inner plate and the base plate by the fastener element;

further comprising a viscous damping element (36) operable to isolate the inflator so that the inflator can function as a mass damper;

wherein the fastener element comprises a protrusion extending through the inner plate, the cushion and the base plate, wherein the fastener element further comprises a retaining element (125), the protrusion being secured by the retaining element to attach the inner plate, the cushion, the base plate and the cover together;

wherein one of the retaining element and the portion of the airbag module is comprised of a deformable material, and wherein the one of the retaining element and the portion of the airbag module deforms such that the protrusion is secured by the retaining element;

wherein the fastener element comprises a threaded stud pressed into the inner plate;

wherein said fastener element is a first fastener element, further comprising:

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a plurality of additional fastener elements;

wherein said first fastener element (100, 110) and said additional fastener elements are sufficient to attach said cushion, said inner plate and said base plate to one another, and wherein said air bag module is characterized by the absence of additional attachment mechanisms to further secure the attachment of said cushion, said inner plate and said base plate to one another;

wherein the cover includes a cover extension (42) having an inwardly-jutting flange portion, the cover extension being matable with the base plate such that the flange portion abuts and is cupped by the base plate and the cushion abuts and is disposed between the inner plate and the cover extension;

wherein the base plate forms a segmented channel, wherein the flange portion has opposing inner and outer surfaces, and wherein the channel abuts the outer surface of the flange portion and the portion of the cushion is sandwiched between the inner plate and the inner surface of the flange portion when the cover extension is mated with the base plate (reference is made to Figure 7);

wherein the inner plate includes a peripheral wall having an outer surface, wherein the cover extension includes a shoulder portion (47), the flange portion jutting inward from the shoulder portion, the portion of the cushion being further sandwiched between the peripheral wall and the shoulder portion;

wherein the base plate is a unitary structure;

wherein the portion of the cover is cupped by the base plate;

wherein the inner plate extends generally away from and is characterized by a substantial absence of structure extending toward the portion of the cushion and the portion of the cover retained between the base plate and the inner plate; and,

further comprising: an inflator having a mounting flange; and,

wherein the mounting flange is sandwiched between and surrounded by the inner plate and the base plate to thereby retain a position of the inflator (Reference is made to Figures 2, 6, and 7).

Examiner notes with respect to the terminology "steering wheel assembly", the hub of Vendely et al. meets the claimed limitations.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vendely et al. in view of Varcus et al., US Publication 2001/0048216 A1.

In regards to claim 14, Vendely et al. discloses all of the claimed elements excluding a deformable tab.

Varcus et al. discloses a fastener element comprising a deformable tab (48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastening element of Vendely et al. in view of the fastening element of Nash et al. to include comprising a deformable tab so as to provide a means of connection between the inner plate, cushion and the base plate so as to facilitate ease of installation.

***Allowable Subject Matter***

5. Claims 22, 23, and 25-27 allowed.
6. Claims 6, 8, 9, 11, and 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed August 13, 2007 have been fully considered but they are not persuasive.

Examiner maintains the previous rejection is proper. Furthermore the claims language "a preassembled unit configured such that said cushion, cover, and attached inner plate and base plate are

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attached sufficiently to one another prior to installation" is a functional recitation in a product-by-process claim (Reference is made to MPEP 2113). Even though the claims are limited by and defined by the process, determination of patentability is based on the product itself, as such Vendely et al. and Vendely et al. in view of Varcus et al. meets the claimed limitations as disclosed above.

In regards to the applicant's remarks directed to "a steering wheel assembly", the term is sufficiently broad to encompass the structure as disclosed by Vendely et al. and discussed above, steering wheel hub (Reference is made to Figure 7 and 8).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

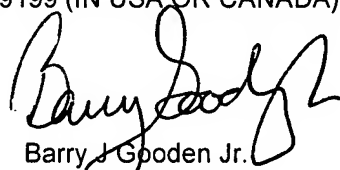
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Barry J. Gooden Jr.  
Examiner  
Art Unit 3616

11/21/07

BJG



PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

11/24/07